

REMARKS

Applicants acknowledge with appreciation the indication that each pending claim, except for claim 1, defines patentable subject matter. Applicants also acknowledge with appreciation the withdrawal of all previous restriction requirements. Accordingly, this Response will be directed solely to the rejection of claim 1.

Claim 1

Claim 1 has been rejected under 35 USC §102(b) as being anticipated by Siemens. Siemens has been cited for the first time in the pending Office Action which was made final. Accordingly, Applicants have not been given any prior opportunity to respond or even review the Siemens' reference. Further, Applicants do not believe their prior amendment necessitated the new grounds for rejection, nor the citation, for the very first time, of this entirely new reference.

Accordingly, so the Applicants may have at least one opportunity to consider and respond to the newly identified Siemens reference, Applicants respectfully request the finality of the pending Office Action be withdrawn. In this way, the issues and arguments relating to the patentability of Claim 1 can be better defined between the Applicants and the Examiner before any appeal, if necessary.

The Siemens Reference

Notwithstanding the above request, Applicants respectfully disagree with the Examiner that the Siemens' reference is relevant to Claim 1. Siemens discloses a Method and Apparatus For Forming And Burning A Fuel-Air Mixture In An Air-Compressing Piston Internal

Combustion Engine. In that regard, Siemens is directed to a fuel injector body 16 that is mounted adjacent to a combustion space 1 of a piston 2 in an engine. A differential piston 4 is arranged above the main piston 2 and engages an injection member 12. The injection member 12 carries a nozzle plate 52 in which a nozzle opening 24 is formed through which fuel is injected into an air stream for delivery to the combustion space 1 of the engine. Accordingly, the injection member 12 and restrictor plate 52 form part of a fuel injection valve 23.

Claim 1, as previously presented, recites a nozzle having an outlet and an inlet in fluid communication with an outlet of a high pressure fuel pump and at least one restrictor plate received between the outlet of the fuel pump and the inlet of the nozzle. The restrictor plate has an orifice upstream of the inlet of the nozzle and restricts the flow of fuel flowing to the nozzle.

Siemens, on the other hand, has no restrictor plate received between the outlet of the fuel pump and the inlet of a nozzle. Rather, the plate 52 identified by the Examiner in the pending Office Action is actually the body of the nozzle itself, and an orifice through the plate in fact defines the fuel nozzle 24, as specifically taught by Siemens. Accordingly, the plate 52 which defines the nozzle opening 24 cannot be considered to be upstream of the very same nozzle it defines, nor can it further have an orifice upstream of the nozzle, as recited in Claim 1. The only orifice in Siemens' nozzle plate 52 is the nozzle opening 24 itself. Accordingly, contrary to the assertion in the pending Office Action, the nozzle plate 52 is not received between the outlet of the fuel pump and the inlet of the nozzle. For at least these reasons, Claim 1 defines patentable subject matter over the Siemens reference and all other cited art.

CONCLUSION

As set forth herein, Claim 1 defines patentable subject matter over all cited art. Further, all other pending claims 2-11, 13-21, 23, 25-33 and 35-39 were previously indicated as defining allowable subject matter. Accordingly, all pending claims are believed to be in condition for allowance and such action is respectfully requested.

If, after considering this Response, the Examiner believes any of the claims are not in condition for allowance, it is respectfully requested that the Examiner initiate a telephone interview with Applicant's undersigned attorney, Matthew J. Schmidt, whose telephone number is (248) 689-3500, so immediate consideration can be given to any further amendment suggested by the Examiner or needed to place all of the claims in condition for allowance.

It is believed that no fee is due with the submission at this time. However, if the Patent Office determines otherwise, it is hereby authorized and respectfully requested that it be charged to our Account No. 50-0852.

Respectfully Submitted,



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